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FORT COLLINS, CO 80527-2400

EXAMINER
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NGUYEN, ALLEN H

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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03/06/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/764,779

**Applicant(s)**

HELMS ET AL.

**Examiner**

ALLEN H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12 and 25-29 is/are rejected.
- 7) ☐ Claim(s) 6, 7, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 15-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/20/2007.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on 01/26/2004 has been considered by the examiner.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 8, 10, 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hertling (US 6,757,741).

Regarding claim 1, Hertling '741 discloses a print auditing network (300, fig. 2), comprising:

a client (Client 106, fig. 2) that originates a print job (Print Job 313, fig. 2)

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for printing (i.e., the send job logic includes logic to generate a print job ticket associated with a full print job; See col. 2, lines 20-25), the print job including parametric data associated with the print job (i.e., the client 106 generates a print job ticket 303 that includes the address of the client 106 on the network 103, the name or identification of the full print job, and any other pertinent information such as the number of pages to be printed; See col. 5, lines 45-50);

a printer (Printer 116, fig. 1) in data communication with the client (Client 106, fig. 1) that is employed to print the print job (i.e., logic to transmit a request for a full print job to the client; See col. 2, lines 38-39), the print job being transmitted from the client to the printer (i.e., logic to apply the full print job received from the client to the printer; Col. 2, lines 30-32);

a print job aggregator (The print queue logic 196, fig. 1) in data communication with the client and the printer (i.e., the print queue logic includes logic to place the print job ticket in a queue in the queue server, and logic to transmit the print job ticket from the queue server to a print server; See col. 2, lines 29-31);

a client agent (Job Send Logic 159, fig. 1) executed in the client to provide a first report (Print Job Ticket 303, fig. 2) of the parametric data associated with the print job to the print job aggregator (i.e., the client 106 then transmits the print job ticket 303 to the queue server 109; See col. 5, lines 50-51, fig. 2);

a print agent (Print Server Logic 236, fig. 1) executed in the printer to provide a second report (Printer Response Message 306, fig. 2) of the parametric data associated with the print job to the print job aggregator (The print queue

logic 196, fig. 1), where the print job aggregator stores the first and second reports of the parametric data in a memory (i.e., the queue server 109 places the print job ticket 303 in a printing queue maintained in the queue server 109. The queue server 109 then transmits a printer polling message 304/Second Report to the print server 113 to determine if the printer 116 is available to print a document; See col. 5, lines 50-60, fig. 2).

Regarding claim 2, Hertling '741 discloses the print auditing network, further comprising:

a print server in data communication (i.e., the print server logic comprises logic to determine an address of the client on the network from the print job ticket received from the queue server; See col. 2, lines 37-39) with the client (Client 106, fig. 2), the printer (Printer 116, fig. 2) and the print job aggregator (The print queue logic 196, fig. 1);

a print server agent (Print Server Logic 236, fig. 1) executed in the print server to provide a third report of the parametric data associated with the print job to the print job aggregator (i.e., the print server logic 236 is executed to interface with the client 106 and the queue server 109 in accomplishing the tasks of queuing and generally printing a document from the client 106 on the printer 116; See col. 4, lines 45-50).

Regarding claim 8, claim 8 is the method claim of device claim 1. Therefore, method claim 8 is rejected for the reason given in device claim 1.

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Regarding claim 10, Hertling '741 discloses the method, wherein transmitting the print job (313, fig. 2) from the client (106, fig. 2) to the printer (116, fig. 2) further comprises:

transmitting the print job from the client to a print server that is in data communication with the client (i.e., in response, the client 106 transmits the full print job 313 to the print server 113; See col. 6, lines 10-12, fig. 3, Transmit corresponding print job to print server 363);

transmitting the print job from the print server to the printer that is in data communication with the print server (i.e., the print server 113 transmits the full print job 313 to the printer 116 that prints the document, accordingly. Once the printer 116 has finished printing the document, the printer 116 transmits the printer idle signal 316 back to the print server 113; See col. 6, lines 14-18);

the method further comprising transmitting a third report of the parametric data from the print server to the print job aggregator (i.e., the print server logic 236 is executed to interface with the client 106 and the queue server 109 in accomplishing the tasks of queuing and generally printing a document from the client 106 on the printer 116; See col. 4, lines 45-50).

Regarding claim 25, Hertling '741 discloses a print auditing network (300, fig. 2), comprising:

a client (Client 106, fig. 2) that originates a print job (Print Job 313, fig. 2) for printing (i.e., the send job logic includes logic to generate a print job ticket associated with a full print job; See col. 2, lines 20-25), the print job including

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parametric data associated with the print job (i.e., the client 106 generates a print job ticket 303 that includes the address of the client 106 on the network 103, the name or identification of the full print job, and any other pertinent information such as the number of pages to be printed; See col. 5, lines 45-50);

a printer (Printer 116, fig. 1) in data communication with the client (Client 106, fig. 1) that is employed to print the print job (i.e., logic to transmit a request for a full print job to the client; See col. 2, lines 38-39), the print job being transmitted from the client to the printer (i.e., logic to apply the full print job received from the client to the printer; Col. 2, lines 30-32);

a print job aggregator (The print queue logic 196, fig. 1) in data communication with the client and the printer (i.e., the print queue logic includes logic to place the print job ticket in a queue in the queue server, and logic to transmit the print job ticket from the queue server to a print server; See col. 2, lines 29-31);

means (Job Send Logic 159, fig. 1) in the client for providing a first report (Print Job Ticket 303, fig. 2) of the parametric data associated with the print job to the print job aggregator (i.e., the client 106 then transmits the print job ticket 303 to the queue server 109; See col. 5, lines 50-51, fig. 2);

means (Print Server Logic 236, fig. 1) in the printer for providing a second report (Printer Response Message 306, fig. 2) of the parametric data associated with the print job to the print job aggregator (The print queue logic 196, fig. 1), where the print job aggregator stores the first and second reports of the parametric data in a memory (i.e., the queue server 109 places the print job ticket

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303 in a printing queue maintained in the queue server 109. The queue server 109 then transmits a printer polling message 304/Second Report to the print server 113 to determine if the printer 116 is available to print a document; See col. 5, lines 50-60, fig. 2).

Regarding claim 26, Hertling '741 discloses the print auditing network, further comprising:

a print server in data communication (i.e., the print server logic comprises logic to determine an address of the client on the network from the print job ticket received from the queue server; See col. 2, lines 37-39) with the client (Client 106, fig. 2), the printer (Printer 116, fig. 2) and the print job aggregator (The print queue logic 196, fig. 1);

means (Print Server Logic 236, fig. 1) in the print server for providing a third report of the parametric data 30 associated with the print job to the print job aggregator (i.e., the print server logic 236 is executed to interface with the client 106 and the queue server 109 in accomplishing the tasks of queuing and generally printing a document from the client 106 on the printer 116; See col. 4, lines 45-50).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to



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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertling (US 6,757,741) in view of Ferlitsch (US 2003/0090705).

Regarding claim 3, Hertling '741 does not explicitly show the print auditing network, wherein the parametric data is included in a header associated with the print job.

However, the above-mentioned claimed limitation is well known in the art as evidenced by Ferlitsch '705. In particular, Ferlitsch '705 teaches the print auditing network (56, fig. 2), wherein the parametric data (PJL Print Job Header 140b, fig. 3D) is included in a header associated with the print job (the spool data contains a sequence of print job commands 140 (e.g. in a PJL, PCL, Postscript, or other format) that describe the overall sheet assembly selections or requirements of the print job; See page 5, paragraph [0060], fig. 3D).

In view of the above, having the system of Hertling and then given the well-established teaching of Ferlitsch, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Hertling as taught by Ferlitsch to include: The print auditing network, wherein the parametric data is included in a header associated with the print job, since Ferlitsch stated on page 1, paragraph [0005] that such a modification would ensure the emergence of software and hardware components of computer

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systems, users are able to employ the computer systems to perform a variety of tasks.

Regarding claim 4, Hertling '741 does not explicitly show the print auditing network, wherein the parametric data is included in a header associated with the print job.

However, the above-mentioned claimed limitation is well known in the art as evidenced by Ferlitsch '705. In particular, Ferlitsch '705 teaches the print auditing network (56, fig. 2), wherein the parametric data (PJM Print Job Header 140b, fig. 3D) is included in a header associated with the print job (the spool data contains a sequence of print job commands 140 (e.g. in a PJL, PCL, Postscript, or other format) that describe the overall sheet assembly selections or requirements of the print job; See page 5, paragraph [0060], fig. 3D).

In view of the above, having the system of Hertling and then given the well-established teaching of Ferlitsch, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Hertling as taught by Ferlitsch to include: The print auditing network, wherein the parametric data is included in a header associated with the print job, since Ferlitsch stated on page 1, paragraph [0005] that such a modification would ensure the emergence of software and hardware components of computer systems, users are able to employ the computer systems to perform a variety of tasks.

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Regarding claim 11, claim 11 is the method claim of device claim 3.

Therefore, method claim 11 is rejected for the reason given in device claim 3.

Regarding claim 27, Hertling '741 does not explicitly show the print auditing network, wherein the parametric data is included in a header associated with the print job.

However, the above-mentioned claimed limitation is well known in the art as evidenced by Ferlitsch '705. In particular, Ferlitsch '705 teaches the print auditing network (56, fig. 2), wherein the parametric data (PJM Print Job Header 140b, fig. 3D) is included in a header associated with the print job (the spool data contains a sequence of print job commands 140 (e.g. in a PJL, PCL, Postscript, or other format) that describe the overall sheet assembly selections or requirements of the print job; See page 5, paragraph [0060], fig. 3D).

In view of the above, having the system of Hertling and then given the well-established teaching of Ferlitsch, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Hertling as taught by Ferlitsch to include: The print auditing network, wherein the parametric data is included in a header associated with the print job, since Ferlitsch stated on page 1, paragraph [0005] that such a modification would ensure the emergence of software and hardware components of computer systems, users are able to employ the computer systems to perform a variety of tasks.

Regarding claim 28, Hertling '741 does not explicitly show the print auditing network, wherein the parametric data is included in a header associated with the print job.

However, the above-mentioned claimed limitation is well known in the art as evidenced by Ferlitsch '705. In particular, Ferlitsch '705 teaches the print auditing network (56, fig. 2), wherein the parametric data (PJM Print Job Header 140b, fig. 3D) is included in a header associated with the print job (the spool data contains a sequence of print job commands 140 (e.g. in a PJL, PCL, Postscript, or other format) that describe the overall sheet assembly selections or requirements of the print job; See page 5, paragraph [0060], fig. 3D).

In view of the above, having the system of Hertling and then given the well-established teaching of Ferlitsch, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Hertling as taught by Ferlitsch to include: The print auditing network, wherein the parametric data is included in a header associated with the print job, since Ferlitsch stated on page 1, paragraph [0005] that such a modification would ensure the emergence of software and hardware components of computer systems, users are able to employ the computer systems to perform a variety of tasks.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hertling (US 6,757,741) in view of Hertling (US 6,874,034).

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Regarding claim 9, Hertling '741 does not explicitly show the method, further comprising updating the parametric data of the print job in the printer during printing.

However, the above-mentioned claimed limitation is well known in the art as evidenced by Hertling '034. In particular, Hertling '034 teaches the method, further comprising updating the parametric data of the print job in the printer during printing (i.e., the queue server also has a print job ticket processing logic stored in the memory and executable by the processor, the print job ticket processing logic including logic to parse a print job ticket received from a client and logic to update a statistical database with information contained in the print job ticket; See col. 2, lines 30-35).

In view of the above, having the system of Hertling '741 and then given the well-established teaching of Hertling '034, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Hertling '741 as taught by Hertling '034 to include: The method, further comprising updating the parametric data of the print job in the printer during printing, since Hertling '034 stated in col. 10, lines 52-60 that such a modification would provide centralized control of printing network functions and include, but are not limited to, canceling a print job, reprioritizing print jobs within one or more printing queues, moving a print job from one printing queue to another printing queue, pausing one or more print job, pausing one or more printer and determining the status of a print job.

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8. Claims 5, 12, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertling (US 6,757,741) in view of Ferlitsch (US 2003/0090705), and further in view of Terrill et al. (US 2002/0188646).

Regarding claim 5, the combination of Hertling '741 and Ferlitsch does not show the print auditing network, wherein a globally unique identifier is associated with each of the first, second, and third reports of the parametric data and the globally unique identifier is the same in the first, second and third reports.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Terrill '646. In particular, Terrill '646 teaches the print auditing network (fig. 1), wherein a globally unique identifier is associated with each of the first, second, and third reports of the parametric data (i.e., a job information collection and correlation module 210 within the port monitor is configured to assign a globally unique identifier 132 to a print job 130, to collect pre-print information from the peripheral server, to collect post-print information from the printer and to correlate the pre- and post-print information; See page 3, paragraph [0031]) and the globally unique identifier is the same in the first, second and third reports (i.e., the globally unique identifier 132, seen in FIG. 1, can be generated in any manner practical, and may optionally include elements of an ID of the port monitor or peripheral server, the workstation from which the job originated, the date, time, and a sequential number; Seen on page 3, paragraph [0031]).

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In view of the above, having the system of Hertling and Ferlitsch and then given the well-established teaching of Terrill, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Hertling and Ferlitsch as taught by Terrill to include: The print auditing network, wherein a globally unique identifier is associated with each of the first, second, and third reports of the parametric data and the globally unique identifier is the same in the first, second and third reports, since Terrill stated on page 1, paragraph [0006] that such a modification would ensure there is a need for an apparatus and method for print data capture that provides the ability to correlate pre-print and post-print information from a print job; that consolidates the location of the print job information; that reduces the system resources and network traffic associated with obtaining and storing the print job data; and that allows greater control over the selection of the information captured.

Regarding claim 12, claim 12 is the method claim of device claim 5. Therefore, method claim 12 is rejected for the reason given in device claim 5.

Regarding claim 29, the combination of Hertling '741 and Ferlitsch does not show the print auditing network, wherein a globally unique identifier is associated with each of the first, second, and third reports of the parametric data and the globally unique identifier is the same in the first, second and third reports.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Terrill '646. In particular, Terrill '646 teaches the print

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auditing network (fig. 1), wherein a globally unique identifier is associated with each of the first, second, and third reports of the parametric data (i.e., a job information collection and correlation module 210 within the port monitor is configured to assign a globally unique identifier 132 to a print job 130, to collect pre-print information from the peripheral server, to collect post-print information from the printer and to correlate the pre- and post-print information; See page 3, paragraph [0031]) and the globally unique identifier is the same in the first, second and third reports (i.e., the globally unique identifier 132, seen in FIG. 1, can be generated in any manner practical, and may optionally include elements of an ID of the port monitor or peripheral server, the workstation from which the job originated, the date, time, and a sequential number; Seen on page 3, paragraph [0031]).

In view of the above, having the system of Hertling and Ferlitsch and then given the well-established teaching of Terrill, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Hertling and Ferlitsch as taught by Terrill to include: The print auditing network, wherein a globally unique identifier is associated with each of the first, second, and third reports of the parametric data and the globally unique identifier is the same in the first, second and third reports, since Terrill stated on page 1, paragraph [0006] that such a modification would ensure there is a need for an apparatus and method for print data capture that provides the ability to correlate pre-print and post-print information from a print job; that consolidates the location of the print job information; that reduces the system resources and network traffic



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associated with obtaining and storing the print job data; and that allows greater control over the selection of the information captured.

***Allowable Subject Matter***

9. Claims 6-7, 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, the prior art of the record fails to show the print auditing network, wherein:

the client agent provides the first report of the parametric data to the print job aggregator by transmitting a copy of the header of the print job to the print job aggregator before the print job is transmitted from the client to the print server;

the print server agent provides the third report of the parametric data to the print job aggregator by transmitting a copy of the header to the print job aggregator before the print job is transmitted to the printer;

the printer agent provides the second report of the parametric data to the print job aggregator by transmitting the header to the print job aggregator after the print job is finished printing.

Regarding claim 7, the claim is allowable for the reasons given in claim 6.

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Regarding claim 13, the prior art of the record fails to show the method, wherein:

the transmitting of the first report of the parametric data from the client to the print job aggregator further comprises transmitting a copy of the header of the print job from the client to the print job aggregator; and

the transmitting of the third report of the parametric data from the print server to the print job aggregator further comprises transmitting a copy of the header of the print job from the print server to the print job aggregator; and

the transmitting of the second report of the parametric data from the printer to the print job aggregator further comprises transmitting a copy of the header of the print job to the print job aggregator.

Regarding claim 14, the claim is allowable for the reasons given in claim 13.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shima (US 2004/0158654) discloses printing system.

Whickham et al. (US 2004/0181787) discloses software updating system and method.

Wilson et al. (US 7,082,608) discloses object-based architecture for supporting network devices.

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Blume et al. (US 2004/0252333) discloses mobile communication device printing.

Sakuda (US 2006/0126102) discloses print system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALLEN H. NGUYEN whose telephone number is (571)270-1229. The examiner can normally be reached on M-F from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571)-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AN

02/28/2008

A handwritten signature in black ink, appearing to read 'KYP', is positioned above the printed name and title.

KING Y. POON  
SUPERVISORY PATENT EXAMINER